



CEDAR PARK

CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, MAY 21, 2013 AT 6:30 P.M.
CEDAR PARK CITY HALL COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|---|--|---|
| <input type="checkbox"/> SCOTT ROGERS, Place 1 | <input type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input type="checkbox"/> AUDREY WERNECKE, Place 4 |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> KELLY BRENT, Place 7 | <input type="checkbox"/> HOLLY HOGUE, Place 6, |
| <input type="checkbox"/> MICHAEL DION, Place 3 | | Secretary |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES: Approve Minutes from the Regular Meeting of April 16, 2013
4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)
5. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. West Parke (PP-13-001)
17.64 acres, 57 residential lots
Located on West Park Street, just east of Lakeline Boulevard
Owners: Garret Lacour and Edward Campos
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
2. Autumn Ridge (PP-13-002)
80.96 acres, 1 commercial lot and 1 office/condominium lot
Located east of County Road 180 and north of East New Hope Drive
Owner: Caballo Investments
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
3. Lakeline at Old Mill (PP-13-003)
37.59 acres, 2 commercial lots and 2 condominium residential lots
Located on the north side of South Lakeline Boulevard, across from Old Mill Road

Owner: Brooke LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

4. Little Elm Preliminary Plan (PP-13-004)
59.38 acres, 2 commercial lots and 2 residential condominium lots
Located west of South Bell Boulevard near Little Elm Trail
Owner: TS-SD II LTD and New Amstel Land LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
5. LISD Silverado East (FP-13-003)
23.21 acres, 2 commercial lots
Located at the southwest corner of Ranch Trails and South Frontier Lane
Owner: Leander Independent School District
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
6. Colonial Parkway at Vista Ridge (SFP-13-004)
1.26 acres, 1 commercial lot
Located at the northeast corner of Vista Ridge Boulevard and Colonial Parkway
Owner: Carolville, LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS: **NONE**

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS

1. Thomas Balestiere, April 16, 2013
2. Kelly Brent, March 19, 2013

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Creekside 32.38 Acres, Z-13-003 – Pulled, no action required
- B. BMC Lumber Subdivision #2 Replat – Postponement request by applicant to June 18, 2013

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. 1431 & Starwood, Z-13-008 (related to item 8A)
- B. La Jaita Business Park PD Amendment, Z-13-009 (related to item 8B)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by AUSRAD Properties LP to rezone approximately 4.8 acres from General Office (GO) and Transitional Office (TO) to Local Retail (LR) for property located at the southwest corner of East Whitestone Boulevard and Starwood Drive. (Z-13-008)

Owner: AUSRAD Properties LP
Agent: Tom Terkel
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Local Retail (LR) and Transitional Office (TO)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

- B. Consider a request by Commercial Property Investments, LLC to amend Tract 8 of the La Jaita Business Park Planned Development by reducing the width of the native buffer from 50 feet to 30 feet for property located at 1320 Arrow Point Drive. (Z-13-009)
Owner: Commercial Property Investments, LLC
Agent: Brent Hammond
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve request
1) Public Hearing
2) P&Z Action

9. FUTURE LAND USE PLAN AMENDMENTS: **NONE**

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **NONE**

11. CONDITIONAL/SPECIAL USE PERMITS (ACTION AND PUBLIC HEARING): **NONE**

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration of a proposed revision to Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback and Lot Requirements for All Districts; and Article 11.12 Definitions to add definitions for existing and finished grade and establish height requirements based upon existing or finished grade. (OA-12-007)
1) Public Hearing
2) P&Z Recommendation to City Council
- B. Consideration of a proposed revision to Chapter 11, Article 11.01 Zoning Ordinance, Division 2 General Compliance, Section 11.01.010 Portable and Temporary Buildings During Construction to amend the regulations regarding portable and temporary buildings. (OA-13-005)
1) Public Hearing
2) P&Z Recommendation to City Council

13. DISCUSSION AND POSSIBLE ACTION: **NONE**

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

- A. Report on City Council Actions Pertaining to Zoning Matters from April 25th and May 9th
B. Director and Staff Comments
1. Summary of Comprehensive Plan Process and Town Hall Meeting held May 6, 2013

- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on May 23, 2013 and June 13, 2013.

15. ADJOURNMENT

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the Planning and Zoning Commission.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session Items on this agenda, if any.

CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

MAY 17 '13 AM 11:30

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Complex Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.


Rawls Howard II

Development Services Department

Notice Removed: _____

Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, APRIL 16, 2013 AT 6:30 P.M.
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> SCOTT ROGERS, Place 1 | <input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input checked="" type="checkbox"/> AUDREY WERNECKE, Place 4 |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> KELLY BRENT, Place 7 | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6, Secretary |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Five Commissioners were present and a quorum was declared. He read the standard introduction explaining the meeting procedures. Commissioner Rogers arrived at 6:34 after Item 6.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. MINUTES: Approve Minutes from the Regular Meeting of March 19, 2013
MOTION: Commissioner Brent moved to approve the Minutes of the Regular Meeting of March 19, 2013 Minutes as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.
4. CITIZEN COMMUNICATIONS (*Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.*) **None.**
5. ELECTION OF OFFICERS
A. Vice Chair
Chair Kauffman recalled Item 5 after the conclusion of Item 13.

NOMINATION: Commissioner Brent nominated Audrey Wernecke as Vice Chair. Secretary Hogue seconded the nomination. Commissioner Wernecke accepted the nomination. The nomination passed unanimously, 6-0 with one absent.
6. CONSENT AGENDA:
A. STATUTORY DISAPPROVAL:
 1. BMC Lumber Subdivision Number 2, Resubdivision (SFP-13-003)
23.85 acres, 3 commercial lots
Located on BMC Drive, south of Brushy Creek Road
Owner: Brushy Creek-CCP, LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 2. Caballo Ranch Section 5 (FP-13-002)
48.37 acres, 121 single family lots and 1 drainage/water quality lot
Located on Paseo de Charros, east of Ronald Reagan Boulevard
Owner: Felder M/I Caballo Ranch LLC
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

3. Peloquin Subdivision, Amended Plat of Lots 1-A and 1-C (FPD-13-001)
3.8 acres, 2 commercial lots
Located at the southeast corner of East Whitestone Blvd. and Arrow Point Drive
Owner: David Quintanilla and Kamaldeep Gill
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
4. Resubdivision of Prestige Addition, Resubdivision of Lot 1 Block A (FPD-13-002)
4.95 acres, 2 commercial lots
Located at 920 and 924 South Bell Boulevard
Owner: Steinberg Davidson LP and Elder Holdings LLC
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Avalon Cedar Park (SFP-13-002)
4.83 acres, 3 commercial lots
Located at the intersection of Lakeline Boulevard and Old Mill Road
Owner: 183 BLW LP and Evelyn LP & ET AL
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
2. CWT&C Subdivision (SFP-12-011)
1.3 acres, 1 commercial lot
Located on RM 620, east of Blue Ridge Drive
Owner: CWT&C LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
3. Parkwest Estates Lot 41 Block B (SFP-12-019)
0.66 acres, 1 residential lot
Located on Cedar Park Drive, west of Bell Boulevard
Owner: Robert Gilfillan
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve

MOTION: Commissioner Dion moved to recommend approval of Consent Agenda Items 6A1 through 6B3 as presented. Commissioner Brent seconded the motion. The motion passed unanimously, 5-0, with two absent.

Chair Kauffman called up Items 7A and 7B together.

7. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Creekside 32.38 Acres, Z-13-003 – Postponement request by applicant to May 21, 201
- B. Consideration on a proposed revision to Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback and Lot Requirements for All Districts; and Article 11.12 Definitions to add definitions for existing and finished grade and establish height requirements based upon existing or finished grade. – Postponement request by Staff to May 21, 2013.

MOTION: Commissioner Dion moved to accept the postponement of Items 7A (Z-13-003) and 7B (Ordinance Revision) to May 21, 2013. Commissioner Wernecke seconded the motion. The motion passed unanimously, 6-0, with one absent.

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Caspita Industries, Inc., Z-12-020 (related to item 9A)
- B. 3620 East Whitestone, Z-13-004 (related to item 9B)
- C. Spanish Creek, Z-13-005 (related to item 9C)

MOTION: Commissioner Dion moved to accept the Preliminary Reports for Items 8A (Z-12-020), 8B (Z-13-004), and 8C (Z-13-005) as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Caspita Industries Ltd. to rezone approximately 10.51 acres from General Office (GO) to Townhome Residential (TH) for property located on Old Mill Road, west of Lakeline Boulevard. (Z-12-020)
Owner: Caspita Industries, Ltd.
Agent: Kristiana Alfsen, Pohl Partners
Staff Resource Person: Amy Link
Staff proposal to P&Z: General Office (GO)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

Development Services Director Rawls Howard made the presentation. The applicant requested rezoning of approximately 10.51 acres from General Office (GO) to Townhome Residential (TH) for property located on Old Mill Road, west of Lakeline Boulevard. The site is currently undeveloped. The applicant's request for TH zoning does not comply with the Future Land Use Plan (FLUP) and is not supportive of the economic development goals of the Comprehensive Plan. The TH zoning designation would provide a poor land use transition. The Applicant's Communication Summary had not been received. Staff recommended retention of the General Office (GO) zoning designation for this tract.

Jennie Braasch, agent, made a presentation. She advised that they had met with neighbors the previous night. They placed fliers on the doors in the Shenandoah neighborhood. They had met with the Lakeline Oaks HOA president. She advised that the neighborhood does not want apartments. Kristina Alfsen from Pohl Partners, represented the applicant. She advised that General Office zoning use does not work at this location. John Swanson, representing the buyer, advised that Townhome Residential (TH) zoning was a good transition from single family zoning. He advised that he had met with surrounding home owners twice and had agreed to all of their requests.

There was general discussion among the Commissioners regarding the number of units per building, orientation of buildings, the need for a traffic study, and the changing demands of the area.

A public hearing was held on the above item. Rae Ann Doer, Lakeline Oaks HOA president, completed a Recognition Card requesting to speak in support of the rezoning request. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Commissioners regarding the inability to guarantee what the applicant promised.

MOTION: Commissioner Brent moved to recommend denial to the City Council of rezoning approximately 10.51 acres from General Office (GO) to Townhome Residential (TH) for Z-12-020 for property located on Old Mill Road, west of Lakeline Boulevard (Z-12-020) as recommended by staff. Commissioner Wernecke seconded the motion. The motion passed as follows:

Yes: Dion, Hogue, Wernecke, Brent
No: Kauffman, Rogers
Absent: Balestiere

MOTION: Commissioner Dion moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9A, Case Z-12-020. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

B. Consider a request by Cedar Park Automotive, Ltd. to rezone approximately 5.64 acres from General Retail (GR) to General Office (GO) for property located at 3620 East Whitestone Boulevard. (Z-13-004)

Owner: Cedar Park Automotive, Ltd.

Agent: David Holt, Holt Planners

Staff Resource Person: Rian Amiton

Staff proposal to P&Z: General Office (GO)

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

Planner Rian Amiton made the presentation and was available for questions. The applicant requested rezoning of approximately 5.64 acres from General Retail (GR) to General Office (GO). The applicant's request for GO zoning is consistent with both the Future Land Use Plan (FLUP) and the goals of the Comprehensive Plan. The request meets the intent of the GO purpose statement and is compatible with the surrounding zoning designations and land uses. Staff was supportive of the request for GO zoning. David Holt, agent, and Dr. Henry Higgins, prospective developer of the tract, were present to answer questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Commissioners regarding the use of the property. Director Rawls Howard advised that a medical clinic was proposed.

MOTION: Commissioner Dion moved to recommend approval to the City Council of rezoning approximately 5.64 acres from General Retail (GR) to General Office (GO) for property located at 3620 East Whitestone Boulevard (Z-13-004) as recommended by staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-13-004. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

- C. Consider a request by Bula Lewis Farms to assign original zoning of Condominium Residential (CD) to approximately 1.03 acres and to rezone approximately 41.17 acres from Townhome Residential (TH) to Condominium Residential (CD) for property located west of Ronald Reagan Boulevard, north of East Whitestone Boulevard. (Z-13-005)
- Owner: Bula Lewis Farms
Agent: Paul Linehan, Land Strategies, Inc.
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Condominium Residential (CD)
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

Planner Rian Amiton made the presentation and was available for questions. The applicant requested rezoning of approximately 42.20 acres as follows: Tract 1: rezone approximately 28.31 acres from Townhome Residential (TH) to Condominium Residential (CD); Tract 2: rezone approximately 12.86 acres from Townhome Residential (TH) to Condominium Residential (CD); and Tract 3: assign original zoning of Condominium Residential (CD) to approximately 1.03 acres. The property is located on the west side of Ronald Reagan Boulevard just north of East Whitestone Boulevard. The site is currently developed with a home and stables. The remainder of the site is undeveloped. The applicant's request for CD zoning on Tracts 1 and 2 is consistent with both the FLUP and the goals of the Comprehensive Plan. The request meets the intent of the CD purpose statement and is compatible with the surrounding zoning designations and land uses. The applicant's request for CD on Tract 3 is not consistent with the FLUP, but due to the location and unique position of the tract, the request is appropriate for this site. Staff recommended approval of the applicant's request for Condominium Residential (CD) zoning on all three sites.

Erin Welch, agent, was present to answer questions. She advised that the developer prefers Condominium Residential zoning so that it matches his product.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding whether the condominiums would be attached or detached. Director Rawls Howard advised that they were detached.

MOTION: Commissioner Rogers moved to recommend approval to the City Council of assigning original zoning of Condominium Residential (CD) to approximately 1.03 acres and rezoning of approximately 41.17 acres from Townhome Residential (TH) to Condominium Residential (CD) for property located west of Ronald Reagan Boulevard, north of East Whitestone Boulevard (Z-13-005) as recommended by staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9C, Case Z-13-005. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with one absent.

10. **FUTURE LAND USE PLAN AMENDMENTS:**

- A. Future Land Use Amendment for property located on Old Mill Road, west of Lakeline Boulevard (related to Z-12-020)

MOTION: Commissioner Rogers moved to recommend denial to the City Council of amending the Future Land Use Plan for Case Z-12-020 as recommended by Staff. Commissioner Wernecke seconded the motion. The motion passed unanimously, 6-0, with one absent.

B. Future Land Use Amendment for property located west of Ronald Reagan Boulevard, north of East Whitestone Boulevard (related to Z-13-005)

Director Rawls Howard advised that staff recommended amending the Future Land Use Plan (FLUP) designation for Z-13-005 as follows:

- **Amend the Future Land Use map for 0.91 acres from Regional Office/Retail/Commercial to Medium Density Residential;**
- **Amend the Future Land Use map for 0.13 acres from Parks and Open Space to Medium Density Residential; and**

MOTION: Commissioner Rogers moved to recommend approval to the City Council of amending the Future Land Use Plan for Case Z-13-005 as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

11. **SUBDIVISIONS (ACTION AND PUBLIC HEARING)**

A. **F&G Subdivision Number One, Resubdivision of Lot 1 (SFP-10-012)**

20.36 acres, 3 commercial lots

Located at the southeast corner of US 183A Toll Road and Brushy Creek Road

Owner: 950 Brushy Creek Road, LLC

Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

1) Public Hearing

2) P&Z Action

Planner Rian Amiton made the presentation and was available for questions. He advised that staff had reviewed the plat and it met all state and local requirements. Staff recommended approval of the plat.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Rogers moved to recommend approval of Item 11A, Case SFP-10-012, as presented by Staff. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.

12. **CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): None.**

13. **ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:**

A. **Consideration of a proposed revision to Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts and Regulations, Division 33 Corridor Overlay, Section 11.02.278 to expand the boundary of the Corridor Overlay from 400 feet to 500 feet on either side of the street right-of-way for all roadways identified in the Overlay. (OA-13-001)**

1) Public Hearing

2) P&Z Recommendation to City Council

Director Rawls Howard made the presentation and was available to answer questions. He explained the purpose of this item was to review the Corridor Overlay and discuss increasing the overlay area. He reviewed the overlay's intent, history, and provided a list of roads within it. He

advised that City Council had expressed a desire to expand the boundary to 500 feet. Staff recommended approval of the ordinance amendment.

A public hearing was held on the above item. The following completed a Recognition Card requesting to speak: 1) Kathy Galloway and 2) Sharon Krienke. Both speakers were concerned about the need for increasing the Corridor Overlay from 400 feet to 500 feet. There being no further public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Rogers moved to approve Ordinance Amendment OA-13-001 as recommended by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

Chair Kauffman called Items 13B, 13C and 13D up together.

- B. Consideration of a proposed revision to Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback and Lot Requirements for All Districts, Division 1 Building Setback, Height and Lot Standards, Sections 11.03.001 and 11.03.011 to clarify the minimum setback standards and to reduce the minimum distance between two principal buildings from 15 feet to 10 feet for structures within the Condominium Residential (CD) zoning district. (OA-13-002)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
- C. Consideration of a proposed revision to Chapter 11, Article 11.01 Zoning Ordinance, Division 3 Administration, Section 11.01.016; and Article 11.02 Zoning Districts and Regulations, Division 35 Conditional and Special Use Permits; and Article 11.08 Performance Standards, Section 11.08.001 providing for interpretation of conflicting provisions within the Zoning Ordinance. (OA-13-003)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
- D. Consideration of a proposed revision to Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts and Regulations, Division 11 Townhome Residential, Section 11.02.084; and Division 12 Condominium Residential, Sections 11.02.095 and 11.02.096; and Division 20 Commercial Services, Section 11.02.172; and Article 11.04 Accessory Structures, Division 1 Accessory Uses, Section 11.04.002; and Article 11.05 Architectural Design Standards, Division 2 Masonry Standards, Sections 11.05.008 and 11.05.009, clarifying the masonry standards within the Zoning Ordinance. (OA-13-004)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council

Director Rawls Howard made the presentation and was available to answer questions. The proposed ordinance amendments were included in the packet.

In Item 13B, the purpose of the amendment was to address 'attached' versus 'detached' standards. Staff recommended revising condominium building side separation from fifteen (15) feet to ten (10) feet to match SF-3 setback for detached products.

The amendments in Item 13C allow inclusion of a common administrative provision and "clean up" of the amendment per legal. The revision would clarify the interpretation of conflicting provisions within the City's Code of Ordinances or between the City's Code and other applicable state and local requirements.

The amendments in Item 13D result from a review of the City's zoning districts following adoption of Article 11.05 Architectural Standards, Division 2, masonry Standards. The amendments reflect

elimination of duplicate or conflicting requirements listed in the individual zoning districts and the Masonry Standards division in Article 11.05.

A public hearing was held on the above three ordinance amendments. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Dion moved to approve Ordinance Amendment OA-13-002, Ordinance Amendment OA-13-003, and Ordinance Amendment OA-13-004 as recommended by Staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

14. DISCUSSION AND POSSIBLE ACTION: NONE.

Chair Kauffman recalled Item 5. See Item 5.

15. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council Actions Pertaining to Zoning Matters March 28th and April 11th.

Chair Kauffman stated that cases Z-12-019 and Z-13-001 were approved on the March 28th Consent Agenda. Case Z-13-002 was on the April 11th agenda for a first reading and public hearing.

B. Director and Staff Comments

1. Summary of Comprehensive Plan Advisory Committee Meeting held March 25, 2013.

Director Rawls Howard advised that CPAC had elected officers and was setting up the framework for their goals. They are getting public feedback through the website 'imaginecedarpark.com'. He advised that a Town Hall meeting was scheduled for May 6th at 7:00 PM at the Recreation Center. He will be able to present data gathered at the Town Hall meeting to CPAC at their June meeting. He advised that an internal charrette would be held for staff.

C. Commissioners Comments.

Chair Kauffman stated that he was impressed with the website 'imaginecedarpark.com'.

D. Request for Future Agenda Items.

Commissioner Brent requested that an excusal for his March 19th absence (due to a funeral) be included on the May agenda.

E. Designate Delegate to Attend Next Council Meetings on April 25, 2013 and May 9, 2013.

Commissioner Dion advised that he would attend the April 25th Council meeting. Vice Chair Wernecke advised that she would attend the May 9th Council meeting.

16. ADJOURNMENT

Chair Kauffman adjourned the meeting at 8:34 p.m.

PASSED AND APPROVED THE 21st DAY OF MAY, 2013.

ATTEST:

HOLLY HOGUE, Secretary

May 21, 2013

Planning and Zoning Commission

Item:#

Subdivision

West Parke

5A1

Case Number: PP-13-001

OWNER: Garret Lacour and Edward Campos

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: North side of West Park Street just east of South Lakeline Boulevard

COUNTY: Williamson

AREA: 17.64 acres

ZONING: SF

SUBDIVISION DESCRIPTION: 57 residential lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



May 21, 2013

Subdivision

Planning and Zoning Commission
Autumn Ridge

**Item:#
5A2**

Case Number: PP-13-002

OWNER: Caballo Investments

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: East of CR 180, north of East New Hope Drive

COUNTY: Williamson

AREA: 80.96 acres

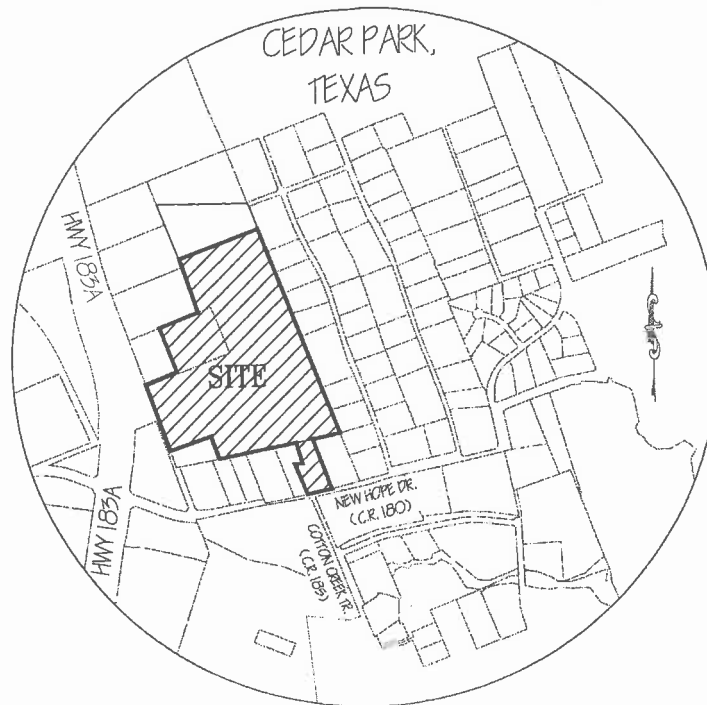
ZONING: GR, GO and CD

SUBDIVISION DESCRIPTION: 1 commercial lot and 1 office/residential condominium lot

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



May 21, 2013

Planning and Zoning Commission

Item:#

Subdivision

Lakeline at Old Mill

5A3

Case Number: PP-13-003

OWNER: Milestone Community Builders, LLC

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: East side of South Lakeline Boulevard at Old Mill Road

COUNTY: Williamson

AREA: 37.59 acres

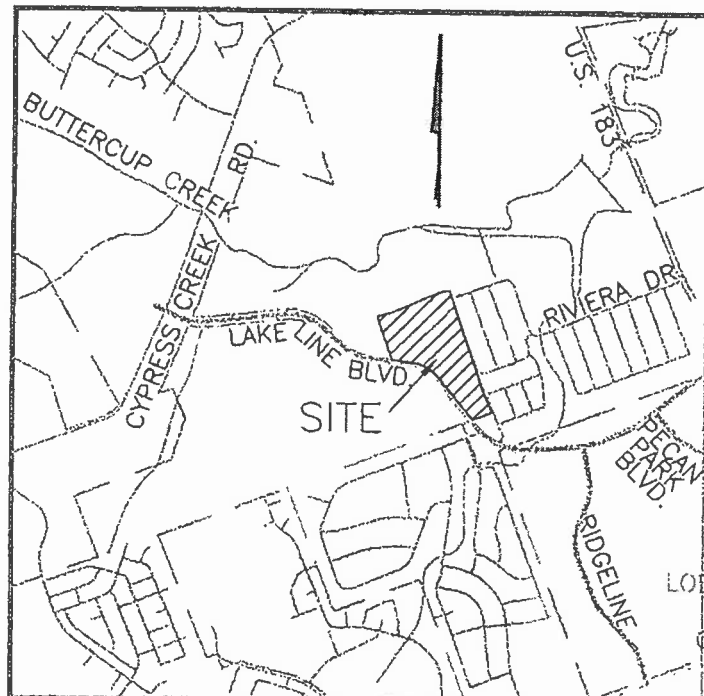
ZONING: CD and LR

SUBDIVISION DESCRIPTION: 2 commercial lots and 2 residential lots with a 60 foot right-of-way for an extension of Old Mill Road

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



May 21, 2013

Planning and Zoning Commission

Item:#

Subdivision

Little Elm Preliminary Plan

5A4

Case Number: PP-13-004

OWNER: TS-SD II LTD and New Amstel Land LTD

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: West side of South Bell Boulevard at Little Elm Trail

COUNTY: Williamson

AREA: 59.38 acres

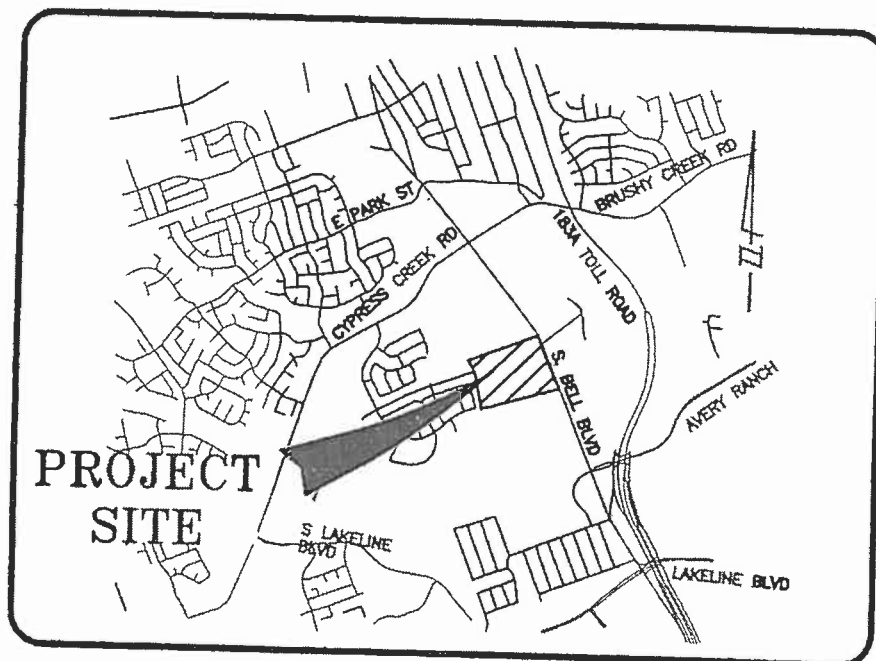
ZONING: PUD, MF and GR

SUBDIVISION DESCRIPTION: 2 commercial lots and 2 residential lots with a 110 foot right-of-way for an extension of Little Elm Trail

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



May 21, 2013

Planning and Zoning Commission

Item:#

Subdivision

LISD Silverado East

5A5

Case Number: FP-13-003

OWNER: Leander Independent School District

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Southwest corner of Ranch Trails and South Frontier Lane

COUNTY: Williamson

AREA: 23.21 acres

ZONING: MU and OSG

SUBDIVISION DESCRIPTION: 2 lots and a 60 foot right-of-way for an extension of Hidden Oak Way

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



May 21, 2013

Planning and Zoning Commission

Item:#

Subdivision

Colonial Park at Vista Ridge

5A6

Case Number: SFP-13-004

OWNER: Carolville, LTD

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Northeast corner of Vista Ridge Boulevard and Colonial Parkway

COUNTY: Williamson

AREA: 1.26 acres

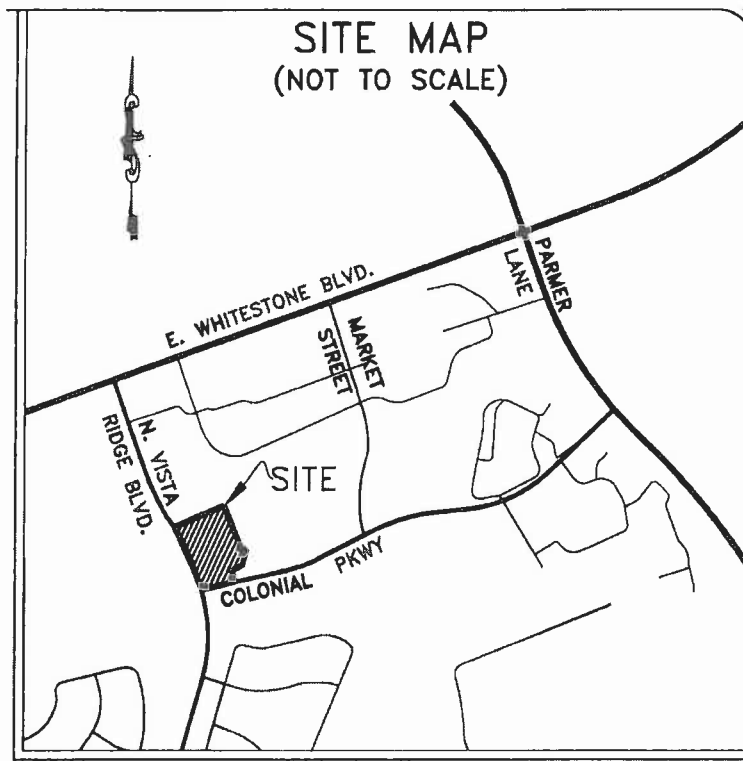
ZONING: GR

SUBDIVISION DESCRIPTION: 1 commercial lot

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



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Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

OWNER/APPLICANT: AUSRAD Properties, LP

AGENT: Taylor Terkel, FourT Realty

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: 1500 East Whitestone Boulevard and 925 Starwood Drive

COUNTY: Williamson County

AREA: 2.86 acres

EXISTING ZONING: General Office (GO) and Transitional Office (TO)

PROPOSED ZONING: Local Retail (LR)

STAFF RECOMMENDATION: Local Retail (LR)

EXISTING FUTURE LAND USE PLAN DESIGNATION:
Neighborhood Office/Retail/Commercial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 2.86 acres from General Office (GO) and Transitional Office (TO) to Local Retail (LR).

EXISTING SITE and SURROUNDING LAND USES:

This site is currently undeveloped. Undeveloped land zoned Transitional Office (TO) lies to the south. To the immediate west is the Oakmont Business Park (zoned GO). Dos Salsas restaurant is directly across Starwood Drive to the east (zoned LR). Across East Whitestone Boulevard to the north is the 1890 Ranch commercial center that includes a number of retail businesses and restaurants (zoned General Retail).

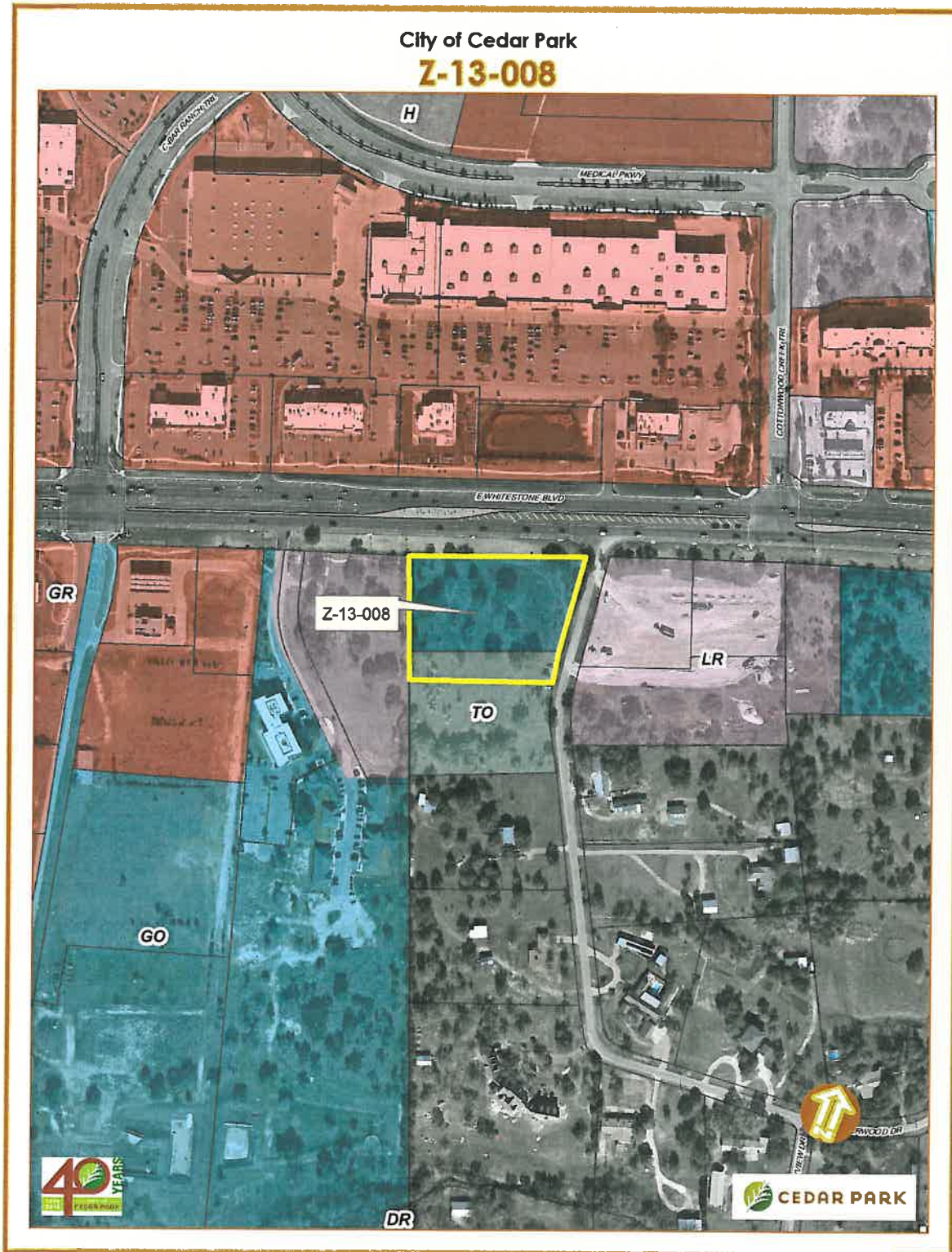
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PURPOSE OF REQUESTED ZONING DISTRICT:

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

PERMITTED USES IN LR:

- Art galleries with retail sales
- Automated Teller Machines
- Automobile parts and accessories sales
- Bakery, retail
- Banks (with or without drive-through facilities)
- Bed and Breakfast
- Community center
- Consumer repair shop (including bicycles)
- Convenience store
- Day care center, adult
- Day care center, child
- Dry cleaning and/or laundry, on-site
- Drugstores
- Food sales, general (grocery store)
- Food sales, limited
- Gasoline service stations, limited
- Golf, amusement
- Hardware stores
- Instant print copy services
- Landscape nursery and supply store, retail
- Laundromat
- Liquor store
- Movie and music rentals, sales
- Non-Emergency Medical Transport Service (Conditional)
- Nonprofit seasonal fundraisers
- Personal Improvement Services
- Personal Improvement Services, Limited
- Personal services, general
- Pet grooming
- Rental libraries for sound and video recordings
- Research and development activities (as it pertains to software only)
- Restaurant, general
- Retail gift store
- Retail stores
- Studios/art studio, dance, music, drama, gymnastics, photography, interior design
- Software sales, computer hardware sales
- Vocational or trade school
- Veterinary Services

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area for Neighborhood Office/Retail/Commercial, with compatible zoning districts of General Office (GO), Local Retail (LR), Transitional Commercial (TC), Transitional Office (TO), and Mixed Use (MU).

The Applicant's request complies with the FLUP. No change in the FLUP would be necessary.

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COMPREHENSIVE PLAN:

The request for LR is in compliance with these goals of the Comprehensive Plan:

4.1.1 Quality of Life/Civic Character Goals

- Create a complete community where residents not only sleep, but also work, shop, eat, exercise, play and pray.

4.1.6 Economic Development Goals

- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

SITE INFORMATION:

Corridor Overlay:

East Whitestone Boulevard is a corridor roadway. The entire subject area is within the Corridor Overlay (CO).

Transportation:

East Whitestone Boulevard is classified as a major arterial roadway. In 2010, the traffic count on Whitestone Boulevard, west of Parmer was 36,550 vehicles per day.

Subdivision:

The property is not yet platted.

Setback Requirements:

	LR
Front Setback	25'
Side Setback	12'
Side Setback Adjacent to Public Street	25'
Rear Setback	5'

Architectural Requirements:

The LR district requires 100% masonry construction on building exteriors, exclusive of doors and windows.

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Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-00-009	SF to GO	Recommended GO	Approved GO
Z-00-015	SF to GO	Recommended TO	Approved TO

STAFF COMMENTARY:

The 2.86 acre subject area to be rezoned to Local Retail (LR) is comprised of an approximately 2.50 acre tract at the corner of East Whitestone Boulevard and Starwood Drive, and approximately 0.36 acres of a 2.31 acre tract to the immediate south.

There has been significant communication between City staff, the Applicant, and residents of the ETJ neighborhood to the south of the subject area known as "The Place". The Applicant had initially submitted an application on April 15, 2013 to rezone the entirety of both affected tracts (approximately 4.80 acres) from GO and TO to LR. Staff met with 15 residents of The Place on April 26 to discuss their concerns regarding uses that would be allowed under LR that are not currently allowed on the property. Staff met with the Applicant on May 6 to discuss the meeting with the residents. On May 10, notifications were sent to all property owners within 300 feet of the boundaries of the subject property. Later that same day, the Applicant formally modified the proposed LR zone to its current configuration, leaving a majority of the southern tract zoned as TO.

The proposed zoning change would establish an LR zone at an activity node where a collector street and an arterial roadway intersect, while leaving an approximately 225 foot wide TO buffer between the LR zone and the residential neighborhood to the south. This request is consistent with the Future Land Use Plan (FLUP) and the purpose statements of both the LR and TO zones.

Residents of The Place have expressed particular concerns regarding traffic and overflow on-street parking based on their experience with the LR-zoned property on the eastern corner of East Whitestone Boulevard and Starwood Drive. Staff feels that these concerns can be substantially addressed through enhanced signage and enforcement of existing off-street parking restrictions. Staff has initiated discussions with the Engineering and Police Departments to implement these measures.

STAFF RECOMMENDATION:

Staff recommends approval of the Applicant's request for LR zoning.

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APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

To: Rian Amiton, Planner, City of Cedar Park

From: Tom Terkel, Principal of FourT Realty, LLC, applicant for rezoning of 4.8 acres at the southwest corner of Starwood Drive and FM 1431

Re: Public communication concerning rezoning application

Date: May 16, 2013

This memo is in response to a request for a summary of our neighborhood communications.

On April 8, 2013, before we filed our application to rezone the Property, we sent a letter to residents within 300 feet of the tract informing them of our decision and telling them that we intended to build a 10,000 – 12,000 square foot retail building, a free standing restaurant and an office building on the 4.8 acres and asking for any input they might want to give us. A copy of one of those letters is attached.

In response to our letter, we received several emails, which are attached.

We also met with Amy Link and yourself to discuss our intentions, and to express our willingness to seek a compromise that will allow us to develop the front part of the Property, currently zoned GO for retail uses and to seek flexibility in the back of the Property.

We then met with the Nelsons, Rose Ann Loop and another couple on April 22, 2013 on the Property. At that meeting, we heard about a variety of concerns, including parking overflow and hours of operation, that are mostly related to the Dos Salsas restaurant. In addition, Ms. Loop asserted that the Property is deed restricted for residential use only, although nothing in our title reports confirm that. We summarized what we heard at that meeting in an email to the attendees, a copy of which is attached.

Again, we received an email response from Rose Ann Loop, which is attached.

We again met with Amy Link, yourself and Rawls Howard to share what we had heard from the neighbors and to discuss a possible compromise that will allow us to rezone only the front part of the Property, currently zoned GO, to LR consistent with virtually every other piece of property along FM 1431, and to leave the zoning unchanged for the rear piece of the Property closest to the single family residential.

We met with Mr. and Mrs. Nelson and their attorney on May 15, 2013 to discuss this option and to understand what other concerns they may have. The Nelsons indicated that they have some specific site development concerns they would like us to address such as building a masonry wall along their property line and similar ideas which were all generally acceptable, but which are better left to the site development permit process.

They were pleased by the suggestion that we leave the rear zoning unchanged, but expressed concerns about permitting a free standing restaurant, citing the negative experience with Dos Salsas. We explored some conditions about operating controls which might be suitable for inclusion in a conditional overlay, but reached no agreement. Those conversations are on-going.

We have amended our zoning application to reflect discussions with the neighbors: leave the zoning in the back unchanged (with the possibility of a minor adjustment in the line – our proposed zoning exhibit is also attached to this memo), and rezone the frontage to LR to be consistent with the precedents set on FM 1431 to date. We did this because we want to respond to community input to the greatest extent possible. We will continue to communicate with the neighbors to see if there are further agreements that can be reached.

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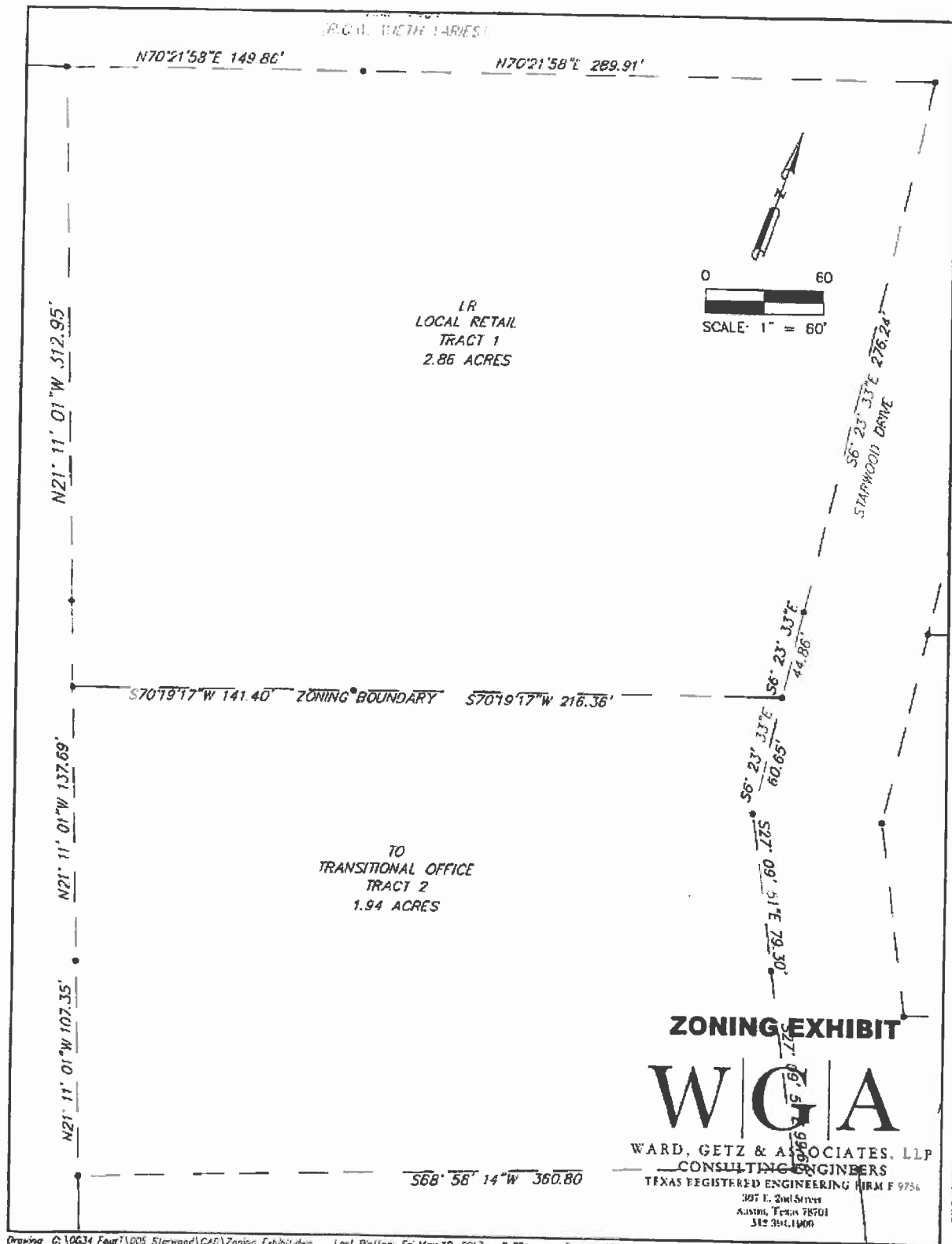
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Drawing C:\0634 Four\1\005 Starwood\CAD\Zoning Exhibit.dwg Plot Date: Fri May 10, 2013 - 9:22am By: qpr180

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April 8, 2013

Mr. and Mrs. Joseph Nelson
879 Starwood Drive
Cedar Park, Texas 78759

RE: Zoning Change Request for Corner of 1431 & Starwood Drive

Dear Mr. and Mrs. Nelson:

Our company, FourT Realty, LLC, recently put under contract approximately 4.8 acres situated at the southwest corner of Starwood Dr. and FM 1431 (the "Property"). To help illustrate the location of the Property, we have enclosed an aerial with the parcel outlined in red. We are reaching out to you to keep you informed of our plans and to let you know that we will be applying for a change in zoning from General Office to Local Retail.

Immediately to the west of the Property is a 13,000 square foot shopping center which we are currently developing. In that shopping center, which will open in August/September of this year, we have signed leases with two restaurants, a beauty salon and spa and we are currently negotiating with a pediatric dentist and a specialty food store.

It is our hope to build another 12,000 – 13,000 square foot shopping center, a free standing restaurant and an office building at the 4.8 acre Property. We have no definite plans, just ideas, but we are optimistic based on the reception we have received on the shopping center which is under construction.

FourT Realty is a family business. The two principals are Taylor Terkel (daughter) and Tom Terkel (father). You can learn more about us and our backgrounds at www.fourtrealty.com. We have been in business since 2010, but I have extensive experience in the shopping center business having started in Austin in 1985, and my daughter gained considerable experience in real estate finance in New York City before she returned to Austin in 2010.

We would be interested in hearing from you any concerns you may have about our proposed development. Of course, the development rules in Cedar Park have significant protections for single family homes near commercial development and we will follow those rules faithfully. If you have any specific concerns or fears or if you have any questions whatsoever, please contact me at 590-7738 or at tom.terkel@fourtrealty.com. As our plans solidify, we will keep you informed.

Very truly yours,

Tom Terkel

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Email Communication pg 1

Tom Terkel

From: Zann |
Sent: Wednesday, April 24, 2013 6:00 PM
To: Tom Terkel
Cc: Jennifer Nelson; Amy Link
Subject: Re: Draft email to the nelsons - please review and comment

Mr. Terkel,

In your email to me with "draft email to the nelsons" in the subject line, you correctly stated that drainage, parking, traffic, odors were among our concerns. You need to add NOISE, 24/7 bright spotlights, safety, property values, and quality of life.

Although you met with the three/four of us, I hope you understand that NO ONE in the neighborhood is in favor of the zoning change that you are proposing. You don't even have a development plan or a PUD to share with us that might address our concerns. I cannot believe that Cedar Park would approve a zoning change without some idea of the type of development you are considering. Is HOOTERS what you mean by "free standing" restaurant? Exactly what is it, Mr. Terkel, that you want to build that you cannot achieve with the current Transitional Office and local office designations?

Please let me elaborate on several of the very important issues you have overlooked or understated.

The first issue, and I am copying to Amy Link, because it is within her area of expertise, is the importance of an adequate transition between single family residential and office or commercial property. The overriding theme of all city zoning regulations is to protect the quality of life of residents, their safety, and their property values. Resident families are the supporting element for the city. If you destroy their quality of life, they will sell out and leave, and your retail base will erode. Go study Detroit if you need a take-home lesson in this regard.

Mr. Terkel, you persist in threatening me with a THREE story office building in the area directly across from my house, and next to the Nelsons, and you want me to buy into the idea that retail would be far preferable. This is akin to your asking me if I want you to amputate my left or my right leg.

In my mind, NEITHER a THREE STORY office building NOR any sort of retail space is appropriate in juxtaposition to suburban residential. Also inappropriate, obviously, are multi-story town homes and high density duplexes--any use that will become predominantly rental property.

A second issue you seem to have overlooked in your reply is safety of children and residents of the neighborhood. You state that you live in an urban area. Let me remind you that you have the entire AUSTIN police force to protect you. I have the very limited, and delayed, response of Williamson County deputies. Three minutes, and I bleed out.

Surely, Mr. Terkel, you realize that the presence of intoxicated, sleep-deprived drivers, and NON-LOCAL persons circulating through the neighborhood as a direct result of diversion of restaurant/BAR parking into the streets and neighborhood (with no way for them to turn around), and over-all inadequate parking, raises all sorts of safety issues--children being run over in the streets, children being attacked or kidnapped, home invasions, burglaries, noise, fights, weapons violations, drug sales, and so forth.

Mr. Terkel, you told me I should call the police to enforce parking issues and safety concerns. I don't have police--I have Williamson County, as I note above. Plus, an intoxicated BAR patron whose car has been towed,

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or who becomes enraged because I am using my circular driveway that he thinks he has a right to turn around on, poses a very real threat to my safety. I have already endured one instance of verbal abuse from a person parked in/on my easement/driveway. There has also been the instance of an impaired driver of a black suburban who revved her motor and pulled up closely behind me as I pulled a trash can across MY circular driveway where she wanted to make a turn rather than pulling in and backing out.

A third point, and one that I have provided documentation to Amy Link about, is that ALL of the lots on the recorded platt for The Place, were numbered and sold as residential by Ken Bell, a former Cedar Park mayor, at about the same price. NO LOTS on the platt were designated as COMMERCIAL.

It is my fervent hope that Cedar Park officials will be more sensitive than you are to the very special nature and beauty of this neighborhood within Cedar Park's ETJ, and that Cedar Park will protect us from premature requests for zoning change.

Rose Ann Loop

----- Original Message -----

From: Tom Terkel

To: 'Zann'

Cc: 'Taylor Terkel'

Sent: Wednesday, April 24, 2013 11:09 AM

Subject: FW: Draft email to the nelsons - please review and comment

Ms. Loop – Thank you for taking the time to meet with us yesterday. While we clearly understand that you prefer we not change the zoning, I hope you have a better understanding of where we are coming from. We certainly have a much better sense of your concerns.

Based on the conversation Monday, we took away several key ideas. They are, in no particular order:

1. How we handle drainage is a primary concern. We learned that the Nelson's septic system is situated on north side of their home.
2. Free standing restaurants are a concern based on the Dos Salsas experience. Principally, it is an inadequate amount of onsite parking forcing restaurant patrons onto the street, high alcohol sales and late night hours that are troubling. You mentioned odors, as well.
3. It is important to you and your neighbors that an appropriate transitional use be situated between any retail uses on the FM 1431 frontage and the Nelson's lot. You are comfortable with the existing Transitional Office zoning, but will consider whether any alternatives might be acceptable as well, such as some sort of townhouse or duplex zoning, or some retail with appropriate use restrictions, restrictions on hours of operation and other things of this nature which may or may not get you comfortable.

We appreciate your willingness to discuss this with us and to consider alternatives. As I explained, we are searching for flexibility because we don't know what specific uses we'll want to have adjoining the Nelson property, but we are open to appropriate restrictions on those alternatives to assure that whatever goes there is at least as compatible as a 3-story office building.

We'll be out of town starting late this week and all of next week, but we pledged to contact you upon our return to see if we can meet again in the first full week of May.

After you review this, if we have forgotten something or not expressed anything accurately, please let us know. We sent an email to the Nelsons also asking them to provide input if we got something wrong or left something out.

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Tom Terkel
FourT Realty
1601 Rio Grande
Austin, Texas 78701
512.590.7738 (w)
512.680.1430 (c)
tom.terkel@fourtrealty.com

From: Jennifer Nelson
Sent: Monday, April 15, 20
To: Tom Terkel;
Cc: 'Taylor Terkel'
Subject: RE: FM 1431 and Starwood Drive

Mr. Terkel,

We didn't think "going away" was an option. When my husband and I bought our house at 879 Starwood Drive, we did so only after doing research of our own to determine how the two empty lots would be developed. So you can surely understand our concern that there is an attempt to rezone the lots 'retail'. With 'retail', almost anything goes. And *this* is our concern.

The development that takes place on those 2 lots has to be done responsibly. Unfortunately, because the development of the neighboring Dos Salsas restaurant was not appropriately coupled with the fact that they do all of their catering out of that kitchen, the parking congestion has become a real safety concern. Regardless of the fact that Dos Salsas is classified as a restaurant, there is a bar inside. Therefore, Friday and Saturday nights become a safety concern as I not only try to get cars parked on my property towed, but as intoxicated patrons become belligerent that their car is now not there. Or intoxicated patrons loiter in large groups in the street or parking lot chatting with their friends before they depart for the evening - intoxicated. I invite you to come view this phenomenon for yourself. We never imagined it would be this tough.

What Ms Loop is trying to say is that another restaurant is not what this neighborhood needs. Care and respect for myself and Ms Loop need to be kept in mind when considering how to develop land that abuts a residential lot.

I have supplied all residents in The Place with a copy of the letter you sent so that they are armed with the same information I am. We have met as a community this weekend, and not one resident was for the rezoning attempt. This neighborhood has survived for 30+ years, almost like you see it today. And it has survived because every resident is astute and pays attention to politics. I'm sure you can understand that this issue is no exception.

-Jennifer Nelson
879 Starwood Drive

From: Tom Terkel
Sent: Monday, April 15, 2013 11:30 AM
To:
Cc: Jennifer Nelson; 'Taylor Terkel'
Subject: FM 1431 and Starwood Drive

Ms. Loop -

Thanks for your quick response. We take your input seriously and want to be the best neighbor we can be. As I live in an urbanized area, I cannot truly understand your disappointment in the changes that have occurred on FM 1431 while you have lived there, but I do acknowledge your deep sense of concern and unhappiness with what has transpired.

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I will also make sure that the case manager at the City of Cedar Park who will handle our zoning change request will receive a copy of your email and I promise to make sure that you are made aware via email of public hearings well in advance of their occurrence so you can attend if you want.

I do want to say, though, that the changes of which you complain are not anything we had a hand in. The expansion of FM 1431, the location of 183-A, the development of 1890 Ranch – all of these are factors in the demand for retail, services and food uses along FM 1431. In fact, in recognition of this, the Future Land Use Map for the City of Cedar Park designates our tract as appropriate for Local Retail zoning, which is the zoning category we are applying for. Restaurants are permitted in Local Retail use, provided they serve primarily food with alcohol sales being secondary. Of course, we will comply with those restrictions if the zoning category for our tract is changed to Local Retail.

In any event, I do not understand from your email that there is much we could do to make you happy other than go away. But then, someone else would be right behind us to develop the tract. That said, we are happy to consider any specific requests you might have. Please send them to me and if you would like, we would be happy to meet with you to discuss those requests.

Thank you again for responding to us.

Tom Terkel
FourT Realty
1601 Rio Grande
Austin, Texas 78701
512.590.7738 (w)
512.680.1430 (c)
tom.terkel@fourtrealty.com

From: Zann
Sent: Thursday, April 11, 2013 8:45 PM
To: tom.terkel@fourtrealty.com
Cc: Jennifer Nelson
Subject: FM 1431 and Starwood Drive, Cedar Park

Dear Mr. Terkel,
Thank you for the letter stating your intent to change zoning from General Office to Local Retail at the property across the street from my house, and adjacent to my neighbors, Brent and Jennifer Nelson, to whom I am copying.

You may or may not be aware that when the subdivision was first developed, by Mr. Bell, a former mayor of Cedar Park, ALL of the lots were designated residential--never to be changed. The lot in question was residential. Then the owners got a divorce, and it was divided. then Cedar Park annexed the front half. The front half was zoned for medical office and the back half, residential. And on and on.

When I bought my house at 926 Starwood Drive over 22 years ago, the real estate agent gave me a copy of Mr. Bell's deed restrictions. I thought I had done due diligence. I never dreamed my place in the country would turn into a place where I fear for my personal safety.

I hope you can empathize with me. Your plans will make my currently horrible situation even worse.

My plans to retire at age 70 in a place I have worked on for over 20 years have been devastated.

My property values have been destroyed by having a BAR and restaurant as neighbors. Nobody with children will buy a home with a BAR for a neighbor.

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My security is challenged by the hundreds of happy hour customers and salsa dancers who park on my easment and on both sides of the street.

My back and front yards flood with redirected, concentrated, fast moving water that used to be slowed by trees and vegetation.

I am constantly picking up restaurant trash that blows out of the parking lot into my fence.

At night, my goat guard dogs alert me if anyone approaches my fence. Some make the outdoors a restroom, others may have more sinister motives. When this happens, I am compelled to get out of bed and go out with my flashlight and shotgun to make sure no one is jumping my fence and making off with my baby goats.

I am fearful when strangers pull into my circular driveway at 2 am and stop. There are nights when I stand behind the door with my laser beam, armed, and wait for the sound of breaking glass. This is not right.

Even in the wee hours of the morning, I live with the noise of late shift employees, delivery trucks, trash trucks, and catering trucks.

In the middle of the day, my entire back yard smells of cooking onions and bad fajitas.

My property is subject to severe "light pollution" from the restaurant and bank and parking lot lights.

I didn't even get a privacy fence by my house, and it would have to be at least 12' tall to block any significant portion of the light.

I hope I will get a notice about the zoning change so I can speak out about the effect of Cedar Park "development" on me and my property.

I will emphasize the traffic and drainage issues caused by Dos Salsas, and beg that another restaurant NOT be allowed.

Rose Ann Loop
926 Starwood Drive
Cedar Park, TX 78613

May 21, 2013

Planning and Zoning Commission

Item:

Zoning

1431 & Starwood

7A & 8A

Case Number: Z-13-008

PUBLIC INPUT: To date, fourteen (14) written responses have been received regarding this request. These responses and subsequent communications (when applicable) are below.

From: Jennifer Nelson
Sent: Monday, May 13, 2013 9:58 AM
To: Rian Amiton
Cc: Brad Rockwell ; Brento
Subject: attention: Zoning File #: Z-13-008

Hi Rian,

I received the official notice from the city regarding the rezoning of lots R037997 and R037998. Suffice it to say, I think the city is aware of where we stand on this issue. But for the record, we are not in favor of rezoning both lots.

Brent and I have been in Cedar park for almost 14 years. My parents moved out here in 1993, and Brent and I decided to buy our first house here in 2000. Our first house was in Park Place, and we loved many things about Cedar Park. The first was her size: she was small enough that everything you needed was within reach and she had a small-town feel. The second was that when we lived in Park Place, we could easily walk to so many places: the library, the post office or to Thundercloud Subs, to name a few. Our dogs loved the pocket parks, and we liked that we could ride our bikes in safety through our neighborhood and meet our neighbors.

Over the years, we've watched Cedar Park grow up and we like the direction she's heading. We are members of the Cedar Park Rec Center, have watched the Austin Toros at the Cedar Park Center, and love the uniqueness of Cedar Park. There have been lots of cool things happening in this city. So that 2 years ago when we outgrew our starter house and were looking to move, we wanted to stay within Cedar Park. We had driven through our current neighborhood, and loved the space and the country feel. So that when our current house came on the market, we made an offer on it. But, not without first doing some due diligence.

We noticed the vacant land next to 879 Starwood was for sale (lots R037997 and R037998), and we were concerned about how it would be developed. So we did our research. We discovered that they were zoned TO and GO, both of which were appropriate for the residential lot adjacent to them. We did not, however, realize that lots R513459, R513460 and R038002 were zoned Local Retail. Dos Salsas has not been a good neighbor since she opened her doors, but we know we must play the cards we were dealt.

It is not our intent to prevent a land owner from developing land that he owns; after all, if we owned land we would want the same rights. But I'm sure you can understand our concern that lots R037998 and R037997 be developed in a responsible manner, given that they are located adjacent to a residential lot, and given that Dos Salsas has at times been a nuisance. Those two lots can still be developed to contain limited retail and limited restaurants, and Cedar Park can still increase its tax base. But it is not appropriate to rezone both lots to Local Retail, despite the three lots on the opposite side of Starwood being zoned Local Retail.

If you have any questions, please don't hesitate to contact me. I work from home and can be reached at 512-528-5100, or at my office number listed below.

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Rian Amiton [<mailto:Rian.Amiton@cedarparktexas.gov>]

Sent: Thursday, May 16, 2013 7:45 AM

To: Jennifer Nelson

Cc:

Subject: RE: attention: Zoning File #: Z-13-008

Jennifer,

Please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,

Rian

Rian Amiton

Planner

Development Services Department - Planning Division

450 Cypress Creek Road

Cedar Park, TX 78613

(512) 401-5054

rian.amiton@cedarparktexas.gov

From: Jennifer Nelson [REDACTED]

Sent: Thursday, May 16, 2013 8:56 AM

To: Rian Amiton

Cc:

Subject: RE: attention: Zoning File #: Z-13-008

Rian, how is it possible for a lot to have 2 zones: the back part TO and some arbitrary line demarcating the front part LR? Would that mean that the property line would be adjusted between the two lots?

From: Rian Amiton [<mailto:Rian.Amiton@cedarparktexas.gov>]

Sent: Thursday, May 16, 2013 9:00 AM

To: Jennifer Nelson

Cc:

Subject: RE: attention: Zoning File #: Z-13-008

Jennifer,

Zoning district boundaries do not necessarily have to adhere to lot lines. A single lot may be comprised of two (or even more) zoning districts. I don't know if the applicant has any intention to adjust the lot lines to match the resulting zoning district boundaries.

Rian

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May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Jennifer Nelson
Sent: Thursday, May 16, 2013 9:09 AM
To: Rian Amiton
Cc:
Subject: RE: attention: Zoning File #: Z-13-008

Thank you for the information. But regardless of this "adjustment". I'm still in opposition. It would be best if the entire back lot were left zoned TO.

-Jen

From: Terri Morrison
Sent: Monday, May 13, 2013 3:46 PM
To: Rian Amiton
Cc: 'Kevin Morrison'
Subject: Attention: Zoning File # Z-13-008---I am not in favor of
Attachments: Notice of Hearing 12 May 2013.pdf

Good afternoon,

As a resident of **The Place**, a small subdivision that is located off of 1431 we are definitely interested and aware of the rezoning application that has been filed on the two tracts at the front of our subdivision. We are not in favor of the rezoning application being approved for retail useage.

Prior to Dos Salsa, we might have been less concerned, but based on what we've seen with issues resulting in having a restaurant at the front of the subdivision, we feel more development of this type will further negatively impact our neighborhood. We desire to keep the zoning as is --General Office or Transitional Office.

With the completion of Dos Salsa, we have seen an increase in people speeding through the neighborhood that do not live in the neighborhood -- seemingly unaware that the neighborhood only offers one way in and out- and not aware of the young children, pets and wildlife that live in our small neighborhood. We have also encountered congestion, parking issues, and drunk drivers at the front of the neighborhood as the patrons of Dos Salsa overflow from the full parking lot onto our residential street -- Starwood. We bought in The Place in order to enjoy all this neighborhood has to offer and are concerned that rezoning will negatively impact our neighborhood by bringing retail too close to a residential lifestyle.

We respectfully request that you decline this rezoning application and uphold the quality of life for the homeowners who live in the area and bought homes with the understanding that based on zoning only General Office or Transitional Office would be built this close to our homes.

Respectfully,

Kevin & Terri Morrison

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May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

**Item:
7A & 8A**

Case Number: Z-13-008

From: Rian Amiton [<mailto:Rian.Amiton@cedarparktexas.gov>]

Sent: Thursday, May 16, 2013 7:43 AM

To: Terri Morrison

Cc: Kevin Morrison

Subject: RE: Attention: Zoning File # Z-13-008---I am not in favor of

Mrs. Morrison,

Please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,
Rian

From: Terri Morrison
Sent: Thursday, May 16, 2013 10:20 AM
To: Rian Amiton
Cc: Kevin Morrison
Subject: RE: Attention: Zoning File # Z-13-008---I am not in favor of

Good morning,

Thank you for the updated information. Unless the Developer changes his application to leave 100% of the southernmost tract as TO we are still opposed to the rezoning application. It could be our ignorance of how zoning and rezoning work but it would appear that if a portion of the lot has been approved to be rezoned retail it opens that door in the future for all of the lot to be rezoned retail – something we strongly oppose in order to protect the integrity of the neighborhood and keep residential and retail as far apart as possible in our pocket subdivision.

Respectfully,

Terri & Kevin Morrison

May 21, 2013

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Zoning

Case Number: Z-13-008

From: Jim M
Sent: Wednesday, May 15, 2013 2:31 PM
To: Rian Amiton
Cc: place2 Mitch Fuller; place3 Lyle Grimes
Subject: Zoning File # Z-13-008

Rian,

Please allow me to add my concerns to the proposed rezoning of lots R037997 and R037998 which are located at Starwood and 1431.

Rian, Starwood is the **SOLE ACCESS** to the subdivision known as "The Place". It is evident that Dos Salsas was poorly planned and as a result patrons routinely park on private residences' property, park along both sides of Starwood, park in what should be a fire lane (though currently it is not designated as such and needs to be) and we have suffered a significant reduction in quality of life in our subdivision as a result of this Restaurant's hours of operation and the alcohol it sells. I would ask that you drive by Dos Salsas on any Friday or Saturday afternoon/evening or night to get a first-hand look at what happens when inadequate planning results in not enough legal parking. In at least one case a driver ran through our subdivision, lost control of their vehicle, went through the front yard of a house with children in it before slamming into a tree in another resident's yard. People lost in our "one way in, one way out" subdivision have turned around in residents' yards, they've damaged our property, ran over our fences, raced through our neighborhood and we are stuck with the decisions made that allow a restaurant that serves alcohol till all hours of the night to open for business less than 200 yards from our neighbor's home.

We have nearly a dozen restaurants within a 1/2 mile of the entrance to our subdivision - our only entrance to our subdivision. We need the City of Cedar Park to take the steps necessary to prevent this situation from deteriorating further. Rezoning the lots mentioned above to allow for more food, more alcohol and more night-time operations will compound the current problems exponentially.

As a certified firefighter I can tell you without hesitation that should a fire break out at Dos Salsas during peak traffic Cedar Park Fire will face significant challenges accessing the building due to cars being parked on both side of Starwood as well as double-parked on the rear access lane. Introducing additional businesses in such close proximity that also provide alcohol and "night life" is a recipe for disaster.

Please Rian, perform due diligence by visiting this area during a Friday or Saturday evening and then decide if rezoning and adding more alcohol and food to this street is in the best interest of everyone concerned.

This is about planning our growth conscientiously. We look to the City for relief.

Regards,

Jim MacKay
223 Sunrise Terrace
Cedar Park, TX
512-650-7381

May 21, 2013

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Zoning

Case Number: Z-13-008

From: Steve Ihnen
Sent: Wednesday, May 15, 2013 2:29 PM
To: Rian Amiton
Subject: Zoning File #: Z-13-008

Rian,

I live in The Place Subdivision and have noticed the proposed re-zoning the lots located at the corner of Starwood Drive and 1431 and is part of The Place Subdivision.

The existing zoning is GO (General Office) along RM 1431 and TO (Transitional Office) next to the first residential lot of The Place Subdivision. This existing zoning provides the necessary transition between commercial uses and residential uses.

Changing the zoning from GO/TO to the proposed zoning of LR does not provide an appropriate transitional use next to our large lot residential subdivision. The impacts of zoning LR right next to a large lot subdivision is evidenced in the Dos Salsa's restaurant where the exact zoning change has allowed a use that has directly damaged the property values of part of our subdivision.

The City of Cedar Park ordinances are charged to protect existing land values by zoning transitional uses. Please refer to the following very purpose of the zoning ordinance (emphases added):

Sec. 11.01.004 Purpose

The zoning regulations and districts as herein established have been made in accordance with adopted guiding principles for the purpose of promoting the health, safety, morals, and general welfare of the City.

More specifically, this Chapter provides for the division of land with different districts that, in combination with the regulations pertaining to such districts, are designed in accordance with the Comprehensive Plan to achieve the following objectives: To provide beneficial and appropriate development; protect the character and established pattern of desirable development in each area; **prevent or minimize land use incompatibility**; maintain or enhance property values by stabilizing expenditures and ensuring predictability while respecting property rights and the interest of the citizens of Cedar Park.

The LR zoning does not prevent or minimize land use incompatibility and therefore City staff should recommend disapproval of the proposed zoning.

Please feel free to call me at any time at 512-497-8988.

Respectfully,

Steven Ihnen
501 Sunset Terrace
Cedar Park, TX 78613

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May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Deborah Williams
Sent: Wednesday, May 15, 2013 4:30 PM
To: Rian Amiton
Subject: Zoning File #: Z-13-008

Dear Rian,

We live in the subdivision called "The Place", in the heart of Cedar Park and have lived here now for almost 16 years. Cedar Park has changed dramatically over the last decade and has become a special place we are proud to call home.

We realize that a tremendous amount of planning is involved when a small town begins to bulge with industry, a growing population and of course the retail that comes with the package. And, we also realize that it is not possible to keep everyone happy and many compromises must be met. Most of the retail changes in Cedar Park have been favorable and it was with anticipation we watched the hospital, Target, Hobby Lobby, Mardel's and even Dos Salsas line the 1431 corridor.

However, after the opening of Dos Salsas, which is at the entrance of our subdivision, as you know, our feelings of anticipation changed quickly to frustration and disappointment. On the weekend, it is a dangerous situation as people park on both sides of the road often making it very difficult to access our subdivision if there are oncoming cars. People meander carelessly on the road and often joy ride through our neighborhood in the wee hours of the night. This is something we have not had to endure before. On one night, we saw a man walking down our neighbor's driveway towards their house at midnight. When he saw us, he ran into the bushes, and we then felt it necessary to call the police. There are more drivers 'checking out our neighborhood' at night and it is worrisome. We also have more garbage and liquor bottles thrown around our neighborhood. All of this intrusion has happened since Dos Salsas opened their doors.

We have always supported the growth in our town and have raised 4 children here. We are involved with the community and do all that we can to involve ourselves towards the betterment of Cedar Park. However, when industry is plunging forward at the expense of the people who have been the heart of Cedar Park and the neighborhoods that made our community unique, something has to change. Dos Salsas is there now and we have to accept that. But it has tainted the place we live...the place we call home. To have another restaurant that further exaggerates an already bad situation would be wrong. In conclusion, we are definitely not in favor of the rezoning application by Mr. Terkel and pray that a suitable compromise can be met.

You can reach us at 517-5570 any time.

thank you,
Jim and Debbie Williams
1845 Stardust Drive
Cedar Park, Texas 78613

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From:

Sent:

Wednesday, May 15, 2013 4:53 PM

To:

Rian Armiton

Subject:

Rezone Z-13-008

Dear Rian,

Upon retirement after 40 years of working we realize that our home of 29 years in The Place is our primary asset. The subdivision consists of large lots with a country flair. It appeals to people who appreciate space, and peace and quite. We made our lifetime investment based on the advantages of privacy and freedom as opposed to the rat race of traffic, congestion, and noise. We do not want to lose the few good things we have so some greedy party can profit by changing the rules in the middle of the game.

The recent retailing infringement of Dos Salsa, which few if any in our neighborhood knew about in advance, has tremendously damaged our way of life already. We have had drunk drivers, noise, accidents, and theft endanger our entire neighborhood. Rezoning the lots across from Dos Salsa to retail would be unbearable for us.

According to our subdivision restrictions, recorded at the county, all lots were to remain residential until 3/4 of the residents approve any changes. Apparently, the frontage lots were illegally changed to office status in 1999. Now you want to re-zone it to our detriment again. Does the planning commission have to follow restrictions legally filed at the courthouse? If not, we have no law!

Re-rezoning more of our original residential lots would be a travesty that we cannot accept. We will have no choice but to pursue court action if this unfair action moves farther.

Stephen & Diana Hart, 200 Sunset Terrace, 259-2590

From: "Rian Armiton" <Rian.Armiton@cedarparktexas.gov>

To: <

Subject: RE: Rezone Z-13-008

Date: Thu, 16 May 2013 07:46:47 -0500

Stephen,

Please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,

Rian

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May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From:
Sent: Thursday, May 16, 2013 7:13 PM
To: Rian Amiton
Subject: RE: Rezone Z-13-008

Thanks for the info but it does not change a thing. The approval of 3/4 of our residents is required to rezone. This is recorded at the courthouse and people invested in homes based on that understanding and agreement. Cedar Park has been guilty of many illegal actions over the years and been reprimanded politically. We feel this is another illegal action. Taxation without representation is against the US constitution. We do not want to be rezoned or re-rezoned. We do not want to be in your ETJ. We just want to NOT be infringed and bullied like the British before the revolution.

From: Jan Cleveland
Sent: Wednesday, May 15, 2013 5:01 PM
To: Rian Amiton
Subject: Zoning File #: Z-13-008
Attachments: letter 001.jpg

Dear Mr. Amiton,

I am not in favor of the rezoning of property located at 1500 E. Whitestone and 925 Starwood Drive in Williamson County, Texas. We have already had a large increase in traffic coming through the neighborhood. I am concerned about the safety of my children who like to ride their bikes down Starwood. The roadways in our neighborhood are not able to accommodate this extra traffic. Also, getting in and out of our neighborhood has already become a problem with Dos Salsas. Cars park on both sides of Starwood at the entrance of our neighborhood making it hard to get in and out. Rezoning these lots would create even more congestion.

Sincerely,

Jan Cleveland
1851 Starwood Drive

You may send your written comments to the Planning Department, 450 Cypress Creek Road, Cedar Park, Texas 78613 or e-mail: rian.amiton@cedarparktx.gov (attention: Zoning File #: Z-13-008)

Name: Jan Cleveland Address: 1851 Starwood Dr.
Cedar Park, TX

☐ I am in favor, this is why _____ • ☒ I am not in favor, and this is why _____

more traffic going into the neighborhood - unsafe for
children playing; increased crime; trying to
get in and out of our neighborhood.

It has already been a problem with cars parked
on both sides of Starwood at entrance.

450 Cypress Creek Road | Cedar Park, Texas 78613 | Office (512) 401-5000 | Fax (512) 258-6083 | www.cedarparktx.gov

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
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Case Number: Z-13-008

Name: Alicia Brunet Address: 225 Sunset Terr. CP, TX 78613

- ☐ I am in favor, this is why _____
- ☒ I am not in favor, and this is why Safety issues due
to increased traffic & intoxicated patrons,
major parking congestion "already" -
we have to drive down center lane to get into subdivision & we only
have 1 way in/out

- The proposed zoning changes will wreak havoc on 1431 for
additional traffic pulling on/off 1431 @ Starwood
• Proposed zoning changes will severely affect the quality of life for adjacent neighbors

450 Cypress Creek Road | Cedar Park, Texas 78613 Office (512) 401-5009 | Fax (512) 258-0083 | www.cedarparktexas.gov

May 21, 2013

Planning and Zoning Commission

Item:

Zoning

1431 & Starwood

7A & 8A

Case Number: Z-13-008

From: Zann
Sent: Thursday, May 16, 2013 5:27 AM
To: Rian Amiton
Cc: Jennifer Nelson
Subject: Zoning File Z-13-008 I AM NOT IN FAVOR
Attachments: Bellletterdeedrestrictions.jpg

To: Cedar Park Planning and Development Services
ATTN: Amy Link, Rian Amiton, and others

RE: Zoning File Z-13-008

My name is Rose Ann Loop.

I reside at 926 Starwood Drive, Cedar Park 78613

My property is directly across from the Southeastern portion of the property at 1500 E Whitestone Blvd and 925 Starwood Drive.

I am NOT in favor of this re-zoning.

These are my reasons:

(1) Any change to commercial zoning is in VIOLATION of original deed restrictions given to EACH purchaser of lots in The Place by Ken Bell, former mayor of Cedar Park. I scanned and sent copies of these documents to Amy Link, previously. I attach one of these documents, the memo from Mr. Bell.

(2) Starwood Drive is the ONLY ingress/egress to the neighborhood. The street is so congested by traffic and parking for existing developments that neighbors cannot safely navigate it, especially in late afternoon and on weekends. Additional curb cuts and additional traffic from the proposed development would compound this safety issue.

(3) Fire Department and Emergency vehicles cannot safely circumnavigate Starwood Drive AND/OR gain access to the neighborhood via the inner street behind Dos Salsas Restaurant. Even minutes of delay can be FATAL in case of fire or medical emergency. Access from 1431 is already restricted from the North and West, requiring either (a) an over-shoot to the South and a U-turn, or (b) fighting the parking constricted internal street behind Dos Salsas which is often reduced to ONE LANE by employee and patron parking.

(4) SAFETY issues for children, elderly persons, and neighborhood residents arise from traffic congestion, and the introduction into the neighborhood of intoxicated and beligerent, or just lost, restaurant patrons who don't heed the "NO OUTLET" sign and drive into the neighborhood, often at speeds exceeding the posted limits, and who make unsafe turn-arounds on the street and in private driveways.

(5) NOISE from automobiles, motorcycles, trucks, and especially trash and delivery trucks and Dos Salsas restaurant personel is already a problem for neighborhood residents.

(6) DRAINAGE AND RUN-OFF of water, fuel, oil, and pollutants from existing development is already a problem for residents of "The Place." Currently, the outflow of the Dos Salsas retention pond is directed onto the SEPTIC FIELD of the resident at 926 Starwood Drive. The result is that the septic field remains saturated

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Zoning

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with MORE water and for a LONGER period of time than previously. This is an issue for the neighborhood creek and the flood control dam into which it drains. The proposed development at 925 Starwood Drive would direct outflow onto the existing septic system at 879 Starwood Drive.

(7) Trash, liquor bottles, beer cans, hypodermic needles, cigarette butts, and other refuse from parking lots for the proposed development will add to the existing problem from Dos Salsas Restaurant. These items are blown by wind or carried by water to residential neighbors, the creek, and the watershed.

I plan to be present at the public hearings for item # Z-13-008.
Please schedule me to speak AGAINST this proposal.

Rose Ann Loop
926 Starwood Drive
512-459-5849

From: [Rian Amiton](#)
To: [Zann](#)
Cc: [Jennifer Nelson](#)
Sent: Thursday, May 16, 2013 7:49 AM
Subject: RE: Zoning File Z-13-008 I AM NOT IN FAVOR

Ms. Loop.

Thank you very much for your input. Your concerns have been noted and added to the record.

In the meantime, please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,
Rian

From: Zann
Sent: Thursday, May 16, 2013 11:45 AM
To: Rian Amiton
Cc: Jennifer Nelson
Subject: Re: Zoning File Z-13-008 I AM NOT IN FAVOR

Rian,
Thank you very much for the update leaving a large area as TO.

Please add the following statement to my list of concerns:

Modern and sensitive zoning decisions require a buffer zone of "transitional" use between commercial and residential properties.

Mr. Tercel's initial proposal did not meet this requirement.

I am pleased that he showed an understanding of this issue and amended his zoning request.

Rose Ann Loop

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Damon Fleury
Sent: Thursday, May 09, 2013 10:45 PM
To: Amy Link
Cc: Adrienne Fleury
Subject: Fwd: Rezoning concerns in "The Place" neighborhood

Ms. Link,

Thank you so much for listening to the concerns of our neighborhood, The Place. We would also like to add our concerns to the list. We moved here several years ago and have come to love the quiet, safe neighborhood we live in. We purchased this home provide a place for our seven children to play, with very limited concerns about traffic or safety issues.

We live at the curve a couple houses down from Dos Salsas. Recently, we had an incident where a truck drove off the road, hit a rock in our yard and careened through the rest of our front yard. Finally, he ran into our next-door-neighbor's tree. Fortunately, no one was hurt, but the incident has us very worried particularly when our children play in the yard.

The increase in traffic down our street and people trying to look for a "way out" of our neighborhood has already had a negative impact on our street. We are being forced to think about purchasing large boulders to line our front yard so that other people who have possibly had too much to drink don't drive into our house as well.

This rezoning is of great concern to us. Especially, the consideration of a bar and/or more restaurants with insufficient parking and alcohol sales. I'm sorry we were not able to make the recent meeting with you during the day but we are planning to attend the May rezoning meeting.

Thank you so much for working with and listening to our neighborhood on this issue.

Damon and Adrienne Fleury

1630 Starwood Dr.
Cedar Park, Tx 78613
512-773-1693

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May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Toni McNabb
Sent: Thursday, May 16, 2013 5:04 PM
To: Rian Amton
Subject: Zoning File #: Z-13-008

Dear Rian,

I have been a resident of The Place since 1986 and purchased my home to raise my son and enjoy the spacious lots and country atmosphere.

According to our subdivision restrictions, recorded at the county, all lots were to remain residential until 3/4 of the residents approve any changes.

Apparently, the frontage lots were illegally changed and rezoned to office status in 1999. I am confused and dismayed that changes could be made going against subdivision restrictions.

The residents of The Place are once again facing another rezoning challenge.

The existing zoning is GO (General Office) along RM 1431 and TO (Transitional Office) next to the first residential lot of The Place Subdivision. This existing zoning provides the necessary transition between commercial uses and residential uses. Changing the zoning from GO/TO to the proposed zoning of LR does not provide an appropriate transitional use next to our large lot residential subdivision. The impacts of zoning LR right next to a large lot subdivision is evidenced in the Dos Salsa's restaurant where the exact zoning change has allowed a use that has directly damaged the property values of part of our subdivision. The City of Cedar Park ordinances are charged to protect existing land values by zoning transitional uses. Please refer to the following very purpose of the zoning ordinance (emphases added):

Sec. 11.01.004 Purpose

The zoning regulations and districts as herein established have been made in accordance with adopted guiding principles for the purpose of promoting the health, safety, morals, and general welfare of the City.

More specifically, this Chapter provides for the division of land with different districts that, in combination with the regulations pertaining to such districts, are designed in accordance with the Comprehensive Plan to achieve the following objectives: To provide beneficial and appropriate development; protect the character and established pattern of desirable development in each area; **prevent or minimize land use incompatibility**; maintain or enhance property values by stabilizing expenditures and ensuring predictability while respecting property rights and the interest of the citizens of Cedar Park.

The LR zoning does not prevent or minimize land use incompatibility and therefore City staff should recommend disapproval of the proposed zoning.

Please feel free to contact me for further discussion.

Regards,
Toni McNabb
390 Sunrise Terrace
Cedar Park, TX
(512) 422-7444

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Rian Amiton (<mailto:Rian.Amiton@cedarparktexas.gov>)
Sent: Friday, May 17, 2013 8:59 AM
To: Toni McNabb
Subject: RE: Zoning File #: Z-13-008

Toni,

Thank you for your input. It will be added to the record.

Also please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,
Rian

From: Toni McNabb
Sent: Friday, May 17, 2013 10:17 AM
To: Rian Amiton
Subject: RE: Zoning File #: Z-13-008

Hi Rian,

Thank you for your response.

Please note my continued objection to any part of that back lot being rezoned. As a long time 27 year resident of "The Place" my continued request is to have all of the back lot remain zoned as TO.

Thank you for your help in this matter.

Regards,
Toni McNabb

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Paul Carlson
Sent: Thursday, May 16, 2013 4:47 PM
To: Rian Amiton
Cc:
Subject: attention: Zoning File #: Z-13-008

Rian,

Let me introduce myself. My name is Paul Carlson and my wife and I live at 1825 Stardust Drive in the development called "The Place". I received the official notice from the city regarding the rezoning of lots R037997 and R037998. I want to be on record with the City of Cedar Park (and what we will be restating at the zoning change meeting next week), that we are not in favor of rezoning either lot.

Laurie and I moved to Cedar Park in 1996 after completing a three year international assignment in Singapore. After spending three years in Singapore where land and space is extremely limited, my wife and I were looking for a home with space for our three sons to grow, finish their primary school years in a good school district, and enjoy the additional land for play and adventure. We were delighted to find our current home as it met all of our requirements. Over the last 17 years our neighborhood has truly become a home for our family. During this time we have seen Cedar Park grow and change. I believe this has happened in a responsible manner, taking into consideration established neighborhoods and the people who live in them.

When we were in the considering the purchase of our home we were told that lots R513459, R513460 and R038002 were not zoned for local retail. We later discovered that the zoning had been changed to accommodate this classification. This did not become an issue until this year when Dos Salsas was built. Since that time they have not been a good neighbor. The main reason being that they were approved to build a restaurant on space that cannot accommodate the required parking. It is common for their customers to park on the entire service road behind the restaurant and both sides of the entrance coming into the development causing safety concerns. In addition I did not envision our tax dollars that are allocated for road construction and repair, to be used for private parking. I am concerned that if lots R037998 and R037997 are rezoned as local retail with additional restaurants (as currently stated by the owner of the lots) we will only compound the problem that has been allowed to happen with Dos Salsas. I believe that the two lots left can still provide the maximum tax return to the city of Cedar Park without being rezoned as Local Retail.

If you have any questions, please don't hesitate to contact me.

Thanks,

Paul T. Carlson

COO

Email: _____

800.468.1743 x 4175

512.539.4175 Direct

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Rian Amiton [mailto:Rian.Amiton@cedarparktexas.gov]
Sent: Thursday, May 16, 2013 4:49 PM
To: Paul Carlson
Cc:
Subject: RE: attention: Zoning File #: Z-13-008

Paul,

Thank you for your input. It will be added to the record.

Also please be aware that the applicant has revised the rezoning request to leave the majority of the southern tract as TO. A map illustrating the revised request is attached.

Thank you,
Rian

Rian Amiton
Planner
Development Services Department - Planning Division
450 Cypress Creek Road
Cedar Park, TX 78613
(512) 401-5054
rian.amiton@cedarparktexas.gov

From: Paul Carlson
Sent: Thursday, May 16, 2013 9:21 PM
To: Rian Amiton
Cc:
Subject: RE: attention: Zoning File #: Z-13-008

Rian:

Thanks for acknowledging my email. Yes, I was aware of the zoning request change by the owner. The concern I have with this approach (and shared by many in the neighborhood) that allowing a part of the lot to be rezoned to local retail, will only make it easier in the future to rezone the remaining portion of the lot to local retail as well.

Related to this issue and another area of immediate concern is the use of the road into the development by Dos Salsas for their employee and customer parking area. I am not sure if your department oversees the use of this road, but would like to be directed to the department/agency who does, to register my concern, and understand the plan to address with the restaurant. It is only a matter of time before someone gets hurt if this is allowed to continue. If anything parking should be prohibited on the west side of the entry road.

Thank you,
Paul

May 21, 2013

Zoning

Planning and Zoning Commission
1431 & Starwood

Item:
7A & 8A

Case Number: Z-13-008

From: Lindgren, Stephen
Sent: Thursday, May 16, 2013 10:36 PM
To: Rian Amiton
Subject: Zoning #Z-13-008

From: Stephen Lindgren
To: Rian Amiton
Subject: Zoning #Z-13-008

I am sending this email to express my opposition to the rezoning of the lots located at 1500 Whitestone Boulevard and 925 Starwood Drive. I have lived in The Place subdivision going on five years now and have experienced increasing traffic congestion not only on 1431 but also in the entrance to the only road into and out off the subdivision. With the success of Dos Salsa's the parking and traffic that has been created has become a great concern. I believe that adding more retail will only increase the amount of traffic and exacerbate the parking situation. Entering and leaving the subdivision has become a challenge due to the numerous cars parking on both sides of Starwood Drive or behind Dos Salsa's. While I know that something will be built on these lots I do not believe that rezoning for retail should be allowed.

Stephen G. Lindgren
Automallon Project Specialist
SIEMENS Healthcare Diagnostics
Cell 512-419-8064

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman April 24, 2013
16 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (June 13, 2013) 1ST Reading
(June 27, 2013) 2ND Reading

May 21, 2013	<i>Planning and Zoning Commission</i>	Item: 7B & 8B
Zoning	La Jaita Business Park Planned Development Amendment	
Case Number: # Z-13-009		

OWNER: Commercial Property Investments, LLC

AGENT: Brent Hammond

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: 1320 Arrow Point Drive

COUNTY: Williamson

AREA: 17.47 acres

EXISTING CONDITION: The La Jaita Business Park Planned Development currently requires a 50 foot native buffer adjacent to the northern and eastern property line of Tract 8 as identified in the PD land plan.

PROPOSED AMENDMENT: Reduce the native buffer from 50 feet to 30 feet

STAFF RECOMMENDATION: Approve applicant's request

SUMMARY OF REQUEST:

The applicant is requesting to amend the La Jaita Business Park Planned Development by reducing the required native buffer along the northern and eastern boundary of Tract 8 in the PD from 50 feet to 30 feet.

EXISTING SITE and SURROUNDING USES:

Tract 8 is partially developed with a light manufacturing business. The remainder of the tract is undeveloped and surrounded by Rural Agriculture zoned property to the east, single family residences to the north (zoned Development Reserve), Arrow Point Drive to the west and undeveloped General Office (GO) zoned property to the south.

May 21, 2013	<i>Planning and Zoning Commission</i>	Item: 7B & 8B
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PERMITTED USES IN THE LA JAITA BUSINESS PARK PD:

The La Jaita Business Park PD was originally adopted in 1999 as an industrial park. Tract 8 of the PD was designated as an employment center, allowing the following uses:

Churches
Civic Clubs
Colleges and universities
Hospitals
Parks, playgrounds, community buildings
Public buildings, utilities
Schools
Executive offices
Light manufacturing, assembly and processing
Packaging and shipping of goods, materials, products or equipment
Research, development, assembly and sales of prototype equipment
Software development production
Distribution operations
Dental and medical laboratories
Bus stops
Accessory structures
Day nurseries

SITE INFORMATION:

Corridor Overlay:

This tract is not located within the Corridor Overlay.

Transportation:

Arrow Point Drive is classified as a Primary Collector adjacent to this site and is proposed to extend to East New Hope Drive in the future.

Subdivision:

The property is platted.

Building Setback and Height Requirements:

	La Jaita PD
Front setback	25'
Side setback	12'
Rear setback abutting single family	100'
Maximum Height	60'

May 21, 2013	<i>Planning and Zoning Commission</i>	Item: 7B & 8B
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Architectural Requirements:

All building exteriors within Tract 8 of the PD require 50% masonry construction.

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-98-012	Original zoning of PD	Recommended	Approved

STAFF COMMENTARY:

The La Jaita Business Park PD was originally approved in 1999 as an industrial and commercial park. To provide increased compatibility with the surrounding residences and agricultural uses, the PD established a 50 foot native buffer and 100 foot building setback along the eastern and northern boundary of the PD. These single family and agricultural uses exist today. The PD also provided for termination of these setback and buffer requirements once the single family and agricultural zoning/land uses adjacent to the PD were changed to non-residential uses. In addition, unless otherwise specified, the PD shall conform to the regulations of the Light Industrial zoning district.

The applicant is requesting a reduction in the 50 foot native buffer within Tract 8 of the PD (see attached map). When considering buffer requirements for light industrial uses adjacent to single family uses or districts, current Code requires a minimum compatibility buffer of 30 feet. The applicant's request to reduce the native buffer from 50 feet to 30 feet is consistent with the prescribed compatibility buffer required by current Code. In addition, the 100 foot building setback would remain in place. Under current Code, the required building setback would be 40 feet.

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request to amend the PD to reduce the native buffer within Tract 8 to 30 feet.

Please note that per the modification regulations of the PD zoning district, this request constitutes a minor revision of the PD and final approval authority of the requested amendment lies with the Planning and Zoning Commission.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not received

PUBLIC INPUT: To date, one telephone inquiry has been received regarding this request.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman May 8, 2013
8 letter notices were sent to property owners within the 300' buffer

May 21, 2013

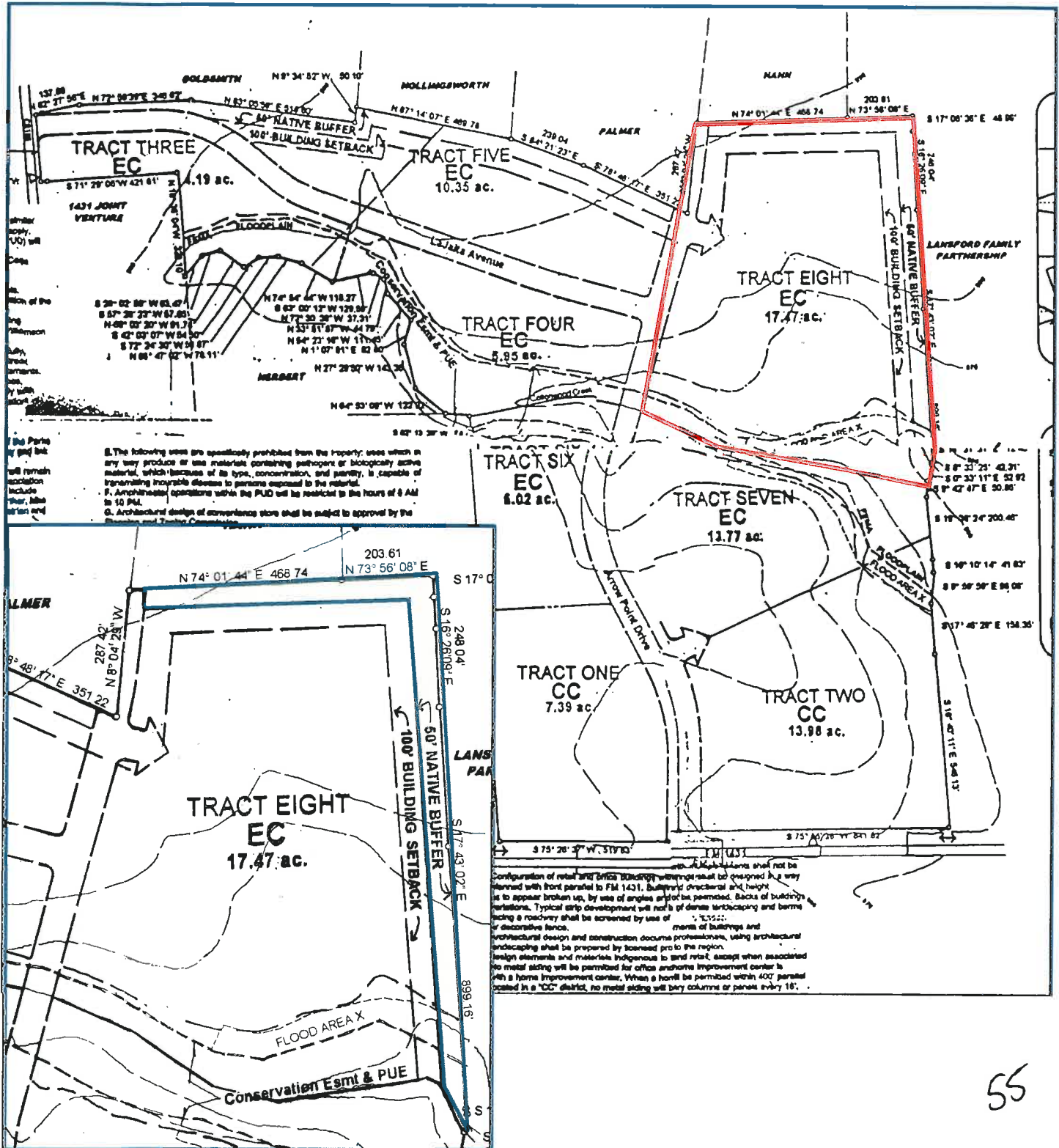
Zoning

Planning and Zoning Commission La Jaita Business Park Planned Development Amendment

Item:
7B & 8B

Case Number: # Z-13-009

La Jaita Business Park PD – Tract 8



May 21, 2013

Planning and Zoning Commission

Item:

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Grade Definitions and Associated Height Requirements

12A

OA-12-007

STAFF: Rawls Howard, 401-5066, rawls.howard@cedarparktexas.gov

As a result of recent commercial developments within the city, staff is proposing amendments to Chapter 11 – Zoning to add definitions for existing and finished grade and to establish height requirements based upon the existing or finished grade. Defining height requirements for developments based upon the existing or finished grade will ensure better compatibility when commercial developments are constructed adjacent to residential areas.

The following language is a result of discussions at the January 15, 2013 P&Z meeting and further review of the Code.

11.12.002 Terms

Grade, finished: The final elevation of the ground surface after man-made alterations, such as grading, filling, or excavating, have been made.

Grade, existing: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, filling, or excavating.

Building Height: The vertical distance from the average applicable grade of the highest and lowest point of that portion of the lot covered by the building's footprint finished ground level at the center of all walls of a building to the highest finished roof surface in the case of flat roofs or for roofs having a pitch of more than one (1) foot in four and one-half (4 ½) feet to a point at the average height of the highest and lowest finished roof surface of roofs having a pitch of more than one (1) foot in four and one-half (4 ½) feet, whichever is shorter. Architectural embellishments and decorative features such as parapets shall not be included in the measurement of building height measurement calculation.

Sec. 11.03.001 Single-family Residential/Multifamily Residential Standards – Minimum

Zoning District	RA	MH	ES	SF	SF-1	SF-2	SF-3	TH	CD	DP	MF
Maximum Height (12)	35' (1)	35'	35'	35'	35'	35'	35'	35'	35'	35'	48' (6)

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May 21, 2013

Planning and Zoning Commission

Item:

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Grade Definitions and Associated Height Requirements

12A

OA-12-007

6. MF District only, principal structures shall not exceed one story within fifty (50) feet of the property line when it abuts a single-family residential use or ~~a-permanent~~ single-family residential ~~use~~ district. Accessory buildings shall be a maximum of one story, not to exceed fifteen (15) feet in height. Building height shall be measured by finished grade if the structure is located more than one hundred (100) feet from a single family residential use or single-family residential district. Building height shall be measured by existing grade if the structure is abutting or within one hundred (100) feet of a single family residential use or single-family residential district.

12. Unless otherwise stated, building height shall be measured from the finished grade.

Sec. 11.03.002 Office/Commercial/Employment Center Standards

Zoning District	TO	TC	GO	LR	GR	H	BD	CS	HC	MU
Maximum Height (15)	35'	35'	75' (1)(13)	45' (1)	100' (1)(13)	100' (4)(13)	75' (1)(13)	60' (1)(8)	40' (1)	100' (1) (11)(13)

15. Building height shall be measured by finished grade if the structure is located more than one hundred (100) feet from a single family residential use or single-family residential district. Building height shall be measured by existing grade if the structure is abutting or within one hundred (100) feet of a single family residential use or single-family residential district.

Sec. 11.03.003 Industrial Standards

Zoning District	LI	GI	HI
Maximum Height (14)	60' (1)	60' (1)(7)	60' (1)(7)

14. Building height shall be measured by finished grade if the structure is located more than one hundred (100) feet from a single family residential use or single-family residential district. Building height shall be measured by existing grade if the structure is abutting or within one hundred (100) feet of a single family residential use or single-family residential district.

May 21, 2013

Planning and Zoning Commission

Item:

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11
Grade Definitions and Associated Height
Requirements**

12A

OA-12-007

Sec. 11.03.004 Institutional/Special District Standards

Zoning District	PS
Maximum Height	60' (1)

1. No portion of a building within one hundred (100) feet of the property line of a single-family residential ~~use~~ district shall exceed thirty five (35) feet in height, excluding public utilities. Building height shall be measured by finished grade if the structure is located more than one hundred (100) feet from a single family residential use or single-family residential district. Building height shall be measured by existing grade if the structure is abutting or within one hundred (100) feet of a single family residential use or single-family residential district.

May 21, 2013

Planning and Zoning Commission

Item:
12B

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Portable and Temporary Buildings

OA-13-005

STAFF: Rawls Howard, 401-5066, rawls.howard@cedarparktexas.gov

In an effort to provide flexibility for expanding businesses, staff is proposing the following amendment to Chapter 11, Zoning regarding temporary and portable buildings. The amendments will allow expanding businesses to use portable buildings to house business offices while expansion of permanent structures is underway. The use of portable buildings will only be allowed upon the issuance of a building permit for the permanent structures.

ARTICLE 11.01 ZONING ORDINANCE DIVISION 2: GENERAL COMPLIANCE

Sec. 11.01.010 Portable ~~and temporary~~ buildings during construction

A. Portable ~~or temporary~~ buildings shall be permitted for the purpose of preleasing spaces, initial job recruitment or uses incidental to constructing permanent structures on the premises. ~~Such portable or temporary buildings shall conform to and comply with all applicable ordinances, and shall be removed no later than thirty (30) days after the completion or abandonment of construction work. No temporary living quarters shall be permitted in such portable or temporary buildings.~~

B. Portable ~~and temporary~~ buildings shall be permitted for the purpose of temporary office space during the expansion or renovation of existing permanent structures on the premises; provided, however, such portable buildings shall not be permitted prior to issuance of a building permit for expansion or renovation of a permanent structure on the premises, and no Certificate of Occupancy shall be issued for a permanent structure on the premises until the portable building is removed. subject to compliance with all applicable ordinances related thereto, provided that a portable or temporary building of less than seven hundred fifty (750) square feet shall be allowed only when incidental to the construction of a permanent structure. Temporary buildings are excluded from masonry requirements in a district.

C. Portable buildings in this section are subject to the following criteria:

1. Portable buildings shall conform to and comply with all applicable ordinances;
2. Portable buildings shall be removed no later than thirty (30) days after the completion or abandonment of construction, preleasing, or recruitment on the premises;
3. Residential uses shall not be permitted in portable buildings; and
4. Portable buildings are excluded from masonry requirements in a district.